

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GILMORE,)
Plaintiff,)
)
Vs.) CA 04-358 ERIE
)
MARILYN S. BROOKS,)
SUPERINTENDENT, et al.,)
Defendants.)

O R D E R

AND NOW this 6th day of November, 2007, upon consideration of the Plaintiff's Motion for Relief Under Rule 60(b) of the F.R.C.P.

IT IS HEREBY ORDERED that the same be and hereby is GRANTED

The court has determined that counsel for the Defendant did receive a copy of the Plaintiff's Notice of Appeal on April 17, 2006. It appears to the Court that through a clerical error the Plaintiff's Appeal was not filed with the Court.

IT IS FURTHER ORDERED that the Clerk of Court is directed to file the Plaintiff's Notice of Appeal dated March 30, 2006 and the same shall be deemed timely.

Sean J. McLaughlin
United States District Judge